

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

NOTICE OF MOTION *IN LIMINE*

PLEASE TAKE NOTICE that Doctors Norman and Joel Blum, Participating Claimants in the Profit Withdrawal proceedings pending before the Court, will move before this Court for the entry of an Order granting the following relief:

1. Exclusion of all testimony or exhibits regarding unrelated customers or accounts not at issue under FED. R. EVID. 401-403, including Trustee Exs. 24.1-13, 24.16, 24.18, 24.20-24.208, 31-69, 73, 76-243, 272-514;
2. Exclusion of all “PW” notations on customer records for lack of proper authentication, and as hearsay to the extent they are offered to prove that the customer requested or received a profit withdrawal, including Trustee Exs. 120-474, 524-532;
3. Exclusion of all marginalia (e.g., “S” notations) in relevant customer files for lack of proper authentication, and as hearsay to the extent it is offered to prove that a customer requested the account profits be sent, including Trustee Exs. 70-72,74;
4. Exclusion of all speculation as to the contents of missing records (e.g., cancelled checks);

5. Exclusion of all testimony that incorporates or repeats hearsay;
6. If offered as expert opinion, exclusion of Collura and Greenblatt's speculation under Rule 702 as not within the professionals' area of expertise, not the product of reliable data and methodologies, and/or not appropriate assistance to the trier of fact; and
7. If offered as expert opinion, exclusion of Collura and Greenblatt's speculation under Rule 703 because the Trustee's professionals do not rely on the type of records generally used by experts in their respective field.

The motion is based upon the accompanying Memorandum of Law, the briefing and supporting materials incorporated therein, the Declaration of Laura K. Clinton and all exhibits attached thereto, all pleadings and papers filed in these proceedings, and any other matters that may properly come before the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to the scheduling order for this proceeding, objections to the Motion, if any, must be made in writing and filed with the Bankruptcy Court in compliance with the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and must be served upon the undersigned counsel for Norman and Joel Blum on or before November 18, 2016. Replies to such objections, if any, will be due December 2, 2016.

Dated: October 28, 2016

BAKER & MCKENZIE LLP

By: /s/Laura K. Clinton

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